

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 FEA-01 AGR-05 CEA-01 CIAE-00

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STR-01 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC 7376

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E.O. 11652 - N/A

TAGS3 EINV, ETRD, ES

SUBJ: COUNTRY ELIGIBILITY FOR GENERALIZED PREFERENCES UNDER SECS. 502

(B)(4) AND (6) OF TITLE V OF THE TRADE ACT OF 1974 - EL SALVADOR

REF: STATE 024305

1. THE SUBJECT PROVISIONS OF TITLE V OF THE TRADE ACT WERE BROUGHT TO THE ATTENTION OF THE GOES WHEN THE CHARGE DELIVERED AND DISCUSSED THE TEXT OF TITLE V WITH THE VICE MINISTER OF FOREIGN AFFAIRS, DR CASTANEDA, ON JAN 7. THE EMBASSY'S SUBSEQUENT MESSAGE (SAN SALVADOR 0208) PAR 3, REPORTED THAT WITHIN THE FOREIGN MINISTRY DISCUSSIONS OCCURRED WHICH RELATED SECTION 502(B) OF THE ACT POTENTIALL WITH THE OCT 1974 GOES TAKEOVER OF THE US OWNED (NEW JERSEY CORP.), INTERNATIONAL RAILROAD OF CENTRAL AMERICA (IRCA), SO THERE IS NO REPEAT NO REASON TO DOUBT THE GOES' AWARENESS OF THE PERTINENT PROVISIONS OF OUR TRADE ACT.

2. EMBASSY FILES DO NOT REVEAL ANY OTHER CASES WHICH MIGHT FALL WITHIN THE PURVIEW OF SECTION 502(B)(4) OR (6). THE DEPARTMENT WOULD HAVE TO REVIEW RETIRED FILES TO ASCERTAIN THE POSSIBLE
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EXISTENCE OF OTHER CASES BETWEEN 1946 AND 1971, BUT THE

EMBASSY IS UNAWARE OF ANY OTHER UNSETTLED ISSUES OF THIS NATURE.

3. EMBASSY REPORTING TO DATE CONCERNING THE GOES TAKEOVER

OF IRCA SHOULD SERVE THE DEPARTMENT'S NEEDS TO DOCUMENT THE CASE AND EMBASSY'S EFFORTS TO BRING TO THE ATTENTION OF GOES OFFICIALS THE RELEVANCE OF THE ACTION TO US LEGISLATION CONCERNING NATIONALIZATION. MOST SIGNIFICANT AND PERTINENT TELEGRAMS, ALL IN 1974, ARE (BY NUMBER AND DATE OF TRANSMISSION: 4058 OF OCT 9; 4064 OF OCT 9; 4177 OF OCT 17; 4419 OF NOV 7 AND 4436 WHICH MAKES A CORRECTION TO 4419).

4. IN RESPONSE TO PARA 6, REFTEL, THE EMBASSY REFERS TO THE AFORELISTED TELEGRAMS AND OTHER MESSAGES ON THIS SUBJECT WHICH CONVEY ITS EFFORTS TO ASSURE PROTECTION OF US INTERESTS IN THE IRCA CASE. ADDITIONALLY, BY TELCON OF JAN 31, DAVID LAZAR (ARA/CEN) INFORMED THE AMWASSADOR THAT THE IRCA ISSUE, IN THE CONTEXT OF A LETTER JUST RECEIVED BY THE DEPARTMENT FROM IRCA'S ATTORNEY MR WEBER, WAS DISCUSSED IN A DEPARTMENTAL MEETING DURING THE WEEK OF JAN 27, WITH VISITING GOES FOREIGN MINISTER MAURICIO BORGONOVO. THE SUBSTANCE OF THAT CONVERSATION, UNKNOWN TO EMBASSY, MAY WELL FORM PART OF THE RECORD OF USG EFFORTS TO BRING THE PROVISIONS OF THE ACT TO THE ATTENTION OF THE GOES AND ENCOURAGE THE RESOLUTION OF THE IRCA CASE. IT MAY ALSO REVEAL IRCA INTENTIONS TO SEEK REDRESS AND/OR COMPENSATION BY RECOURSE TO NEGOTIATIONS OR TO THE SALVADORAN LEGAL PROCESSES. SUCH MEASURES, IF UNDERTAKEN, WOULD CLEARLY PROVIDE A BASIS UPON WHICH TO JUDGE THE GOES' INTENT TO PERFORM SATISFACTORILY WITHIN THE CONTEXT OF SECTION 502 (B) (4). IN THE MEANTIME, ANY FURTHER EFFORTS ON OUR PART TO ENCOURAGE RESOLUTION OF THIS ISSUE WOULD APPEAR TO BE PREMATURE. CAMPBELL

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